

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

ROLAND JESSE DAZA-CORTEZ and
RAFAEL VALADEZ-VAZQUEZ,

Defendants.

NO. CR15-269RAJ

ORDER CONTINUING TRIAL DATE
AND PRETRIAL MOTIONS DEADLINE

THE COURT having considered Defendant Daza-Cortez's motion to continue trial and pretrial motions deadline, as well as the record and files herein, including Defendant Daza-Cortez's and Defendant Valadez-Vazquez's written waivers of speedy trial, hereby makes the following findings:

1. On January 7, 2016, the grand jury returned a First Superseding Indictment, adding eight new felony counts against DAZA-CORTEZ, and also adding significant forfeiture allegations. The new counts allege Possession with Intent to Distribute Methamphetamine and Heroin (Count 2), Possession of a Firearm in Furtherance of a Drug Trafficking Crime (Counts 3 & 4), Possession of Stolen Firearms (Count 5), and Money Laundering (Count 6, 7, 8, & 9). VALADEZ-VAZQUEZ was re-arraigned on January 14, 2016. DAZA-CORTEZ was arraigned on the eight newly added criminal

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2 charges on January 21, 2016. All parties now request an additional continuance to permit
3 sufficient time for the defense to adequately prepare pretrial motions and prepare for trial
4 on the eight newly-added counts.

5 2. The firearm and money laundering offenses are a result of ongoing post-
6 arrest investigation, and involve information, reports, and voluminous financial records
7 that were not contained in the original discovery.

8 3. The money laundering charges and forfeiture allegations involving a
9 restaurant in Everett are complex, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(ii),
10 and counsel will require additional time to review banking, accounting, tax, and business
11 documents and conduct an independent investigation.

12 4. Both the money laundering and firearms charges are the type of charge that
13 may require consultation with experts, which could not have been anticipated before the
14 Superseding Indictment was returned in January, 2016.

15 5. The Court agrees that to perform effectively, and to avoid a miscarriage of
16 justice, the defense needs additional time to review the new evidence, investigate, and
17 consult before the pretrial motions deadline. The Court further agrees that the current
18 schedule provides insufficient time to insure effective motions and trial preparation,
19 taking into account due diligence, within the meaning of 18 U.S.C. §§ 3161(h)(7)(B)(i)
20 and 3161(h)(7)(B)(iv).

21 6. Counsel for the defendants represent that their clients agree with the
22 assessment that a trial continuance is necessary in light of the newly added charges, and
23 both defendants have submitted written waivers of the right to a speedy trial.

24 7. Under these circumstances, the Court finds that a failure to grant an
25 additional continuance would deny counsel the reasonable time necessary for effective
26 preparation, taking into account due diligence, within the meaning of 18 U.S.C.
27 § 3161(h)(7)(A).
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2 8. The Court further finds that the ends of justice will be served by ordering
3 an additional continuance in this case, that an additional continuance is necessary to
4 insure effective trial preparation and that these factors outweigh the best interests of the
5 defendants and the public in a more speedy trial, within the meaning of 18 U.S.C.
6 § 3161(h)(7)(A).

7 IT IS THEREFORE ORDERED that Defendant's motion (Dkt. #74) is
8 GRANTED. The trial date in this matter is continued from May 23, 2016 to October 3,
9 2016. All pretrial motions, including motions in limine, shall be filed no later than
10 August 18, 2016.

11 IT IS FURTHER ORDERED that the time period between the date of this Order
12 and the new trial date of October 3, 2016, is a reasonable delay and is excludable time as
13 to both Defendants, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(6).

14 DATED this 23rd day of March, 2016.

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17 The Honorable Richard A. Jones
18 United States District Judge
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